

## **2013 DRAFTING REQUEST**

### **Assembly Amendment (AA-AB40)**

Received: **5/31/2013** Received By: **gmalaise**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Fiscal Bureau 6-3847** By/Representing: **Swissdorf**  
May Contact: Drafter: **gmalaise**  
Subject: **Children - out-of-home placement** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Legislative Fiscal Bureau**  
Carbon copy (CC) to:

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#### **Pre Topic:**

LFB:.....Swissdorf -

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#### **Topic:**

Out-of-home care extensions for youths with individualized education programs

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#### **Instructions:**

See attached--LFB Motion #532--delete governor's proposal and supplement appropriations contingent on the enactment of separate legislation authorizing extended jurisdiction for youths over 18, but under 21, with IEP's

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 5/31/2013	evinz 5/31/2013	rschluet 5/31/2013	_____			
/1	gmalaise 6/4/2013			_____	srose 5/31/2013		
/2		evinz 6/4/2013	rschluet 6/4/2013	_____	sbasford 6/4/2013		

FE Sent For:

<END>

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/?	gmalaise	1 rev 5/31/13		==			
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FE Sent For:

<END>

## Malaise, Gordon

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**From:** Swissdorf, Kim  
**Sent:** Thursday, May 30, 2013 1:11 PM  
**To:** Malaise, Gordon  
**Subject:** Finance

Here's what happened:

Paper #187, Alternatives A1, B3, B5, C1, and D2 (looks like the only changes to Gov are B5 and D2).

Paper #189, Alternatives 1 and 5a. 5a would change kinship care payments to be the same as level one foster care under the bill.

Paper #191, Alternatives A1 and B1. Alternative A1 involves the errata (don't forget to change 48.931(3)(c)5r, too)

2 motions: #532 for the IEP extension and #530 for the confidential information exchange. They're not accessible to me yet, so I'll have the administrative staff forward them to you.

Thanks much!

Kim Swissdorf  
Fiscal Analyst  
Legislative Fiscal Bureau  
1 East Main Street, Suite 301  
Madison, WI 53701  
(608) 266-3847  
[Kim.Swissdorf@legis.wisconsin.gov](mailto:Kim.Swissdorf@legis.wisconsin.gov)

Senator Darling  
Representative Nygren

CHILDREN AND FAMILIES -- CHILDREN AND FAMILIES

Out-of-Home Care Extension for Youth with Individualized Education Programs  
[LFB Paper #190]

el

Motion:

Move to delete the Governor's proposal. Instead, place \$945,700 GPR in 2014-15 in the Joint Committee on Finance's general purpose revenue funds general program supplementation appropriation. Create a nonstatutory provision specifying that these funds could only be used if separate legislation is enacted regarding the extension of out-of-home care up to age 21 for youth who have an individualized education program (IEP).

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Note:

The motion would eliminate the Governor's proposal and the funding provided in the first year. The administration had requested delayed implementation of the extension to 2014-15 after the bill had been introduced.

In addition, the motion would put \$945,700 GPR in 2014-15 in the Committee's appropriation, which would be used for the extension of out-of-home care up to age 21 for youth who have an IEP after a separate bill has been enacted. Any funds not used for this purpose would be lapsed to the general fund.

[Change to Bill: -\$147,000 GPR and -\$358,800 FED]



State of Wisconsin  
2013 - 2014 LEGISLATURE

SN 5/31



LRBb0286/?

GMM./.....

Leev

LFB:.....Swissdorf - Out-of-home care extensions for youths with individualized education programs

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY BILL 40**

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 504, line 3: delete the material beginning with that line and ending
- 3 with page 507, line 17.
- 4 **2.** Page 518, line 11: delete lines 11 to 19.
- 5 **3.** Page 519, line 4: delete lines 4 to 12.
- 6 **4.** Page 519, line 23: delete the material beginning with that line and ending
- 7 with page 520, line 8.
- 8 **5.** Page 520, line 22: delete the material beginning with that line and ending
- 9 with page 521, line 13.

1           **6.** Page 999, line 21: delete the material beginning with that line and ending  
2           with page 1002, line 19.

3           **7.** Page 1017, line 20: after that line insert:

4           ~~(1x)~~ OUT-OF-HOME CARE FOR YOUTHS WITH INDIVIDUALIZED EDUCATION PROGRAMS.

5           Of the amounts appropriated to the joint committee on finance under section 20.865  
6           (4) (a) of the statutes, \$945,700 is allocated in fiscal year 2014–15 to supplement the  
7           appropriation accounts under section 20.437 (1) (b), (cx), and (dd) and (2) (dz) of the  
8           statutes for the purpose of providing funding for the out-of-home care of persons  
9           who are 18 years of age or older, but under 21 years of age, who were in out-of-home  
10          care prior to attaining 18 years of age, who are full-time students in good academic  
11          standing at a secondary school or its vocational or technical equivalent, and for whom  
12          an individualized education program under section 115.757 of the statutes is in  
13          effect. The joint committee on finance may supplement those appropriation accounts  
14          from that allocation if all of the following occur:

15          (a) Legislation is enacted authorizing those persons to continue in out-of-home  
16          care under an order of the court assigned to exercise jurisdiction under chapters 48  
17          and 938 of the statutes or under a voluntary agreement.

18          (b) The department of children and families submits to the joint committee on  
19          finance a request for the committee to supplement those appropriations for that  
20          purpose.

21          (c) The cochairpersons of the joint committee on finance do not notify the  
22          department of children and families that the committee has scheduled a meeting for  
23          the purpose of reviewing the request within 14 working days after the date of receipt  
24          of the request. If, within those 14 working days, the cochairpersons of the committee

Hard  
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1 notify the department of children and families that the committee has scheduled a  
2 meeting for the purpose of reviewing the proposed supplement, the supplement may  
3 occur only upon the approval of the committee.”. ✓

4           **8.** Page 1057, line 21: delete the material beginning with that line and ending  
5           with page 1058, line 8.

**6 (END)**

## Malaise, Gordon

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**From:** Swissdorf, Kim  
**Sent:** Tuesday, June 04, 2013 8:53 AM  
**To:** Malaise, Gordon  
**Subject:** RE: LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

I'm going to have a hard time talking to Rob today, so why don't we go ahead and leave the appropriations in , but take out the passive review language.

Let me know if that's a problem. Thanks, Gordon.

---

**From:** Malaise, Gordon  
**Sent:** Monday, June 03, 2013 2:12 PM  
**To:** Swissdorf, Kim  
**Subject:** RE: LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

Under current law, s. 20.865 (4) (a) does say, "the amounts in the schedule *to supplement appropriations ...*". So if we reference s. 20.865 (4) (a) in the nonstatutory provision, we have to also reference supplementing appropriations because that is the purpose of s. 20.865 (4) (a).

If you are confident that the separate bill will increase the various GPR appropriations by \$945,700 in total, then maybe we don't need sub. (1L) at all. JCF, by its motion, has already allocated the money, so in the separate bill the money can be transferred out of s. 20./865 (4) (a) and into the various GPR appropriations.

---

**From:** Swissdorf, Kim  
**Sent:** Monday, June 03, 2013 1:49 PM  
**To:** Malaise, Gordon  
**Subject:** RE: LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

I asked DCF about kinship care when a reestimate was done because their reestimate did not include an allocation for kinship care. Here was their response:

The extension of out-of-home care to age 21 for kids with IEPs was not intended to apply to voluntary kinship care. Voluntary kinship care arrangements are not considered out-of-home care placements. The inclusion of kinship care in the draft language was a miscommunication on our part with the drafter. We would recommend removing those provisions as part of the revised plan.

Since court-ordered kinship care placements are out-of-home care placements, they are included in our estimate and we believe the governor's budget recommendations provides adequate funding for these cases.

So, since they did not ask for any separate funding for kinship care, I am assuming they can absorb any costs. Rob asked whether we need to include any appropriations at all--assuming the separate bill would indicate the appropriations and GPR increases for each appropriation that they want to fund. So, I'll pass that question along to you--Can we just take out the language "to supplement the appropriation accounts . . . of the statutes" and say "\$945,700 is allocated in fiscal year 2014-15 for the purpose of providing funding . . ."?

Finally, In talking with Rob, I think we'd prefer not to have the passive review language in there. Then, the language wouldn't have to be deleted in a separate bill.

Let me know what you think. Thanks!

---

**From:** Malaise, Gordon  
**Sent:** Monday, June 03, 2013 1:30 PM  
**To:** Swissdorf, Kim  
**Subject:** RE: LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

Kim:

In Item 7 I included the reference to s. 20.437 (2) (dz) because that is the GPR appropriation for kinship care. See Section 922 of the bill. Would kinship care kids not be subject to extended jurisdiction or a voluntary agreement under the separate bill?

I can insert a reference to s. 20.410 (3) (cd). I had forgotten about juvenile justice kids.

No. We do not need (1L) (b) and (c). I was just trying to provide a mechanism for JCF to release the funds once the separate bill is enacted, but if that release is accomplished right in the separate bill, then (b) and (c) are not necessary.

Gordon

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**From:** Swissdorf, Kim  
**Sent:** Monday, June 03, 2013 9:10 AM  
**To:** Malaise, Gordon  
**Subject:** FW: LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

In section 7, I think we need to eliminate the 20.437(2)(dz) appropriation from line 7 and replace it with the juvenile justice youth aids appropriation [20.410(3)(cd)].

Also, I just wanted to check with you about the language of (1L)(b) and (c). We anticipate that a separate bill would create the positions and transfer the funds in Finance to DCF's appropriation. So, once legislation is enacted, there would be no need to go to Finance under a 14-day passive review process. So, my question for you is: do we need (b) and (c)? Or, is it anticipated that any separate bill would repeal these provisions as well as allocate the funds in Finance?

---

**From:** Schlueter, Ron  
**Sent:** Friday, May 31, 2013 4:37 PM  
**To:** Swissdorf, Kim  
**Cc:** Reinhardt, Rob; Hanaman, Cathlene; Holten, Vicki  
**Subject:** LRB Draft: 13b0286/1 Out-of-home care extensions for youths with individualized education programs

Following is the PDF version of draft 13b0286/1.

<< File: 13b0286/1 >>



State of Wisconsin  
2013 - 2014 LEGISLATURE

In 6/4



LRBb0286/1 (2)

GMM:eev:rs

stays

LFB:.....Swissdorf – Out-of-home care extensions for youths with individualized education programs

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 40**

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1           **6.** Page 999, line 21: delete the material beginning with that line and ending  
2 with page 1002, line 19. <sup>1020</sup> <sup>23</sup> sections 20.410 (3)(cd) and

3           **7.** Page 1017, line 20: after that line insert:

4           “(1L) OUT-OF-HOME CARE FOR YOUTHS WITH INDIVIDUALIZED EDUCATION PROGRAMS.  
5 Of the amounts appropriated to the joint committee on finance under section 20.865  
6 (4) (a) of the statutes, \$945,700 is allocated in fiscal year 2014-15 to supplement the  
7 appropriation accounts under section 20.437 (1) (b), (cx), and (dd) ~~and (2)(a)~~ of the  
8 statutes for the purpose of providing funding for the out-of-home care of persons  
9 who are 18 years of age or older, but under 21 years of age, who were in out-of-home  
10 care prior to attaining 18 years of age, who are full-time students in good academic  
11 standing at a secondary school or its vocational or technical equivalent, and for whom  
12 an individualized education program under section 115.787 of the statutes is in  
13 effect. The joint committee on finance may supplement those appropriation accounts  
14 from that allocation if all of the following occur: A

15           <sup>legislation</sup> (a) ~~Legislation~~ is enacted authorizing those persons to continue in out-of-home  
16 care under an order of the court assigned to exercise jurisdiction under chapters 48  
17 and 938 of the statutes or under a voluntary agreement. <sup>W</sup> <sup>o</sup>

18           (b) The department of children and families submits to the joint committee on  
19 finance a request for the committee to supplement those appropriations for that  
20 purpose.

21           (c) The cochairpersons of the joint committee on finance do not notify the  
22 department of children and families that the committee has scheduled a meeting for  
23 the purpose of reviewing the request within 14 working days after the date of receipt  
24 of the request. If, within those 14 working days, the cochairpersons of the committee

~~notify the department of children and families that the committee has scheduled a meeting for the purpose of reviewing the proposed supplement, the supplement may occur only upon the approval of the committee."~~

**8.** Page 1057, line 21: delete the material beginning with that line and ending with page 1058, line 8.

**(END)**



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBb0286/2  
GMM:eev:rs

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8           **5.** Page 520, line 22: delete the material beginning with that line and ending  
9           with page 521, line 13.

**6.** Page 999, line 21: delete the material beginning with that line and ending with page 1002, line 19.

**7.** Page 1020, line 23: after that line insert:

“(1L) OUT-OF-HOME CARE FOR YOUTHS WITH INDIVIDUALIZED EDUCATION PROGRAMS. Of the amounts appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes, \$945,700 is allocated in fiscal year 2014–15 to supplement the appropriation accounts under sections 20.410 (3) (cd) and 20.437 (1) (b), (cx), and (dd) of the statutes for the purpose of providing funding for the out-of-home care of persons who are 18 years of age or older, but under 21 years of age, who were in out-of-home care prior to attaining 18 years of age, who are full-time students in good academic standing at a secondary school or its vocational or technical equivalent, and for whom an individualized education program under section 115.787 of the statutes is in effect. The joint committee on finance may supplement those appropriation accounts from that allocation if legislation is enacted authorizing those persons to continue in out-of-home care under an order of the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes or under a voluntary agreement.”.

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